REMARKS

Claims 1-12, 14-23, 25-27, and 29-31 are pending after this amendment.

Applicants have amended claims 1, 3, 11, 14, 16, 18-19 and 30-31 in order to more particularly define the invention. The amendments were not necessitated by the claim rejections. Applicants make no admission as to the patentability or unpatentability of the originally filed claims.

The amendments and remarks presented herein are in response to the Final Office Action dated May 14, 2008.

The Examiner rejected claims 1-12, 14-23, 25-27, and 29-31 under 35 USC 102 as allegedly being anticipated by Burema. This rejection is respectfully traversed.

Claim 1, as amended, recites:

> "A method for determining whether a client accepts visitor identifiers, comprising the steps of:
> > a.) receiving a request for a resource, the request originating at a client;
> > b.) determining whether the request for the resource includes a visitor identifier;
> > c.) responsive to the request including a visitor identifier:
> > > obtaining data associated with the visitor identifier;
> > > determining that the client accepts visitor identifiers; and
> > > transmitting the requested resource to the client;
> > d.) responsive to the request not including a visitor identifier:
> > > assigning a new visitor identifier;
> > > sending a redirection request with the new visitor identifier to the client;
> > > responsive to the client storing the new visitor identifier, determining that the client accepts visitor identifiers;

> responsive to the client not storing the new visitor identifier, deter-
>> mining that the client does not accept visitor identifiers; and
> transmitting the requested resource to the client."

The claimed method determines whether a client accepts visitor identifiers. A request for a resource is received, for example at a server. The request originates at a client. A determination is made as to whether the request includes a visitor identifier. An example of such a visitor identifier is a cookie, although other types of visitor identifiers can be used. If the request includes a visitor identifier, data associated with the visitor identifier is obtained, a determination is made that the client accepts visitor identifiers, and the request is serviced by transmitting the requested resource to the client.

If the request does not include a visitor identifier, a new visitor identifier is assigned and a redirection request is sent to the client along with the new visitor identifier. Then, if the client stores the new visitor identifier, a determination is made that the client accepts visitor identifiers. If the client does not store the new visitor identifier, a determination is made that the client does not accept visitor identifiers. The request is serviced by transmitting the requested resource to the client.

Claim 1 thus recites a method wherein, if a visitor identifier is found in the request for the resource, the request can be processed without any further communications from the client. Specifically, if the request includes a visitor identifier, data is obtained, a determination is made that the client accepts visitor identifiers, and the requested resource is transmitted to the client.

Burema fails to teach or suggest the recited limitations. In Burema, a tracking system server writes a test cookie to a client to determine whether cookie writing has been disabled at the client. See, for example, paragraph [0031]. Also see paragraph [0071]: "The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows... Each user having cookies enabled will have a test cookie, which was written out to the user's computer from the transaction page."

Burema's method for determining whether cookie writing has been disabled is entirely distinct from the method of the claimed invention. In Burema, a test cookie has been written, and then the system checks whether the test cookie was stored. Based on this check, a determination is made as to whether cookie writing has been disabled.

By contrast, the claimed invention provides a mechanism for determining whether a client accepts visitor identifiers <u>without</u> writing a test cookie. The method of the claimed invention is more efficient than prior art systems, since no separate test cookie need be set and checked. Rather, according to the claimed method, if a cookie (or other visitor identifier) is detected in the request, a determination is made that the client accepts visitor identifiers; this determination can be made based simply on the existence of the visitor identifier in the request, and without any need for a test cookie. If no visitor identifier is detected in the request, a new visitor identifier is assigned and a redirection request is sent to the client. Depending on whether or not

the visitor identifier is stored at the client, a determination is made as to whether the client accepts visitor identifiers. Again, this determination is made without the need for a test cookie.

The claimed invention provides improved efficiency over prior art systems such as Burema. Specifically, in the situation where a visitor identifier is already present in the initial request for a resource, no additional communication need take place to determine whether the client accepts visitor identifiers. By contrast, prior systems such as Burema use a test cookie, requiring an additional transmission in both directions to make the determination as to whether cookies are being set. In Burema, a test cookie only serves the function of determining whether cookies are stored; thus, before proceeding with extraction of data or servicing of a request, Burema would require an additional communication to take place after the presence of the test cookie is verified.

The claimed invention thus allows such a determination to be made more quickly, using less bandwidth, overhead, and other resources than does Burema or similar systems.

Accordingly, claim 1 is respectfully submitted to be patentable over Burema.

Claim 3, as amended, recites:

"A method for determining whether a requestor accepts visitor identifiers, comprising the steps of:

a.) receiving a request for a resource from a requestor, the requestor having an address;

b.) determining whether the request includes a visitor identifier;

c.) responsive to the request including a visitor identifier:

    c.1) obtaining data associated with the visitor identifier;

    c.2) determining that the requestor accepts visitor identifiers; and~

    c.3) transmitting the requested resource to the requestor; and

d.) responsive to the request not including a visitor identifier:

    d.1) determining whether the request includes an indicator that step d.3) has been performed;

    d.2) responsive to the request including the indicator that step d.3) has been performed~:

        assigning a visitor identifier from the requestor's address;

        determining that the requestor does not accept visitor identifiers; and

        transmitting the requested resource to the requestor; and

    d.3) responsive to the request not including the indicator that step d.3) has been performed:

        assigning a new visitor identifier;

        sending to the requestor a redirection request including the new visitor identifier and an indicator that step d.3) has been performed, the redirection request being adapted to cause the requestor to retransmit the request for the resource; and

    repeating steps a-d."

The claimed method determines whether a requestor accepts visitor identifiers. A request for a resource is received, for example at a server. The request originates at a requestor. A determination is made as to whether the request includes a visitor identifier. An example of such a visitor identifier is a cookie, although other types of visitor identifiers can be used. If the request includes a visitor identifier, the server obtains data associated with the visitor identifier, determines that the requestor is accepting visitor identifiers, and services the request by transmitting the requested resource to the requestor. If the request does not include a visitor identifier, the following steps are performed. First, the server determines whether the step d.3) has already been completed; in this manner, an endless loop is avoided. If step d.3)

has previously been performed, a visitor identifier is assigned based on the requestor's address, since the requestor is not accepting visitor identifiers. This visitor identifier based on the requestor's address is an alternative way to maintain state when the requestor is not accepting visitor identifiers. A determination is made that the requestor does not accept visitor identifiers, and the request is serviced by transmitting the requested resource to the requestor. If, on the other hand, step d.3) has not been completed, a new visitor identifier is assigned, a redirection request is sent (along with an indicator that step d.3) has been completed), and the process is repeated. The redirection request causes the requestor to retransmit the request for the resource. In this manner, a determination can be made as to whether the requestor is accepting visitor identifiers.

Claim 3 thus recites a method wherein, if a visitor identifier is found in the request for the resource, the request can be processed without any further communications from the client. Specifically, if the request includes a visitor identifier, data is obtained, a determination is made that the client accepts visitor identifiers, and the requested resource is transmitted to the client. If the request does not include a visitor identifier, a redirection request is sent to cause the requestor to re-send its request. An indicator is set to avoid an endless loop.

Burema fails to teach or suggest the recited limitations. In Burema, a tracking system server writes a test cookie to a client to determine whether cookie writing has been disabled at the client. See, for example, paragraph [0031]. Also see paragraph

[0071]: "The transaction transmittal program determines whether a user has disabled the cookie feature on his or her computer as follows... Each user having cookies enabled will have a test cookie, which was written out to the user's computer from the transaction page."

As discussed above, Burema's method for determining whether cookie writing has been disabled is entirely distinct from the method of the claimed invention. In Burema, once a test cookie has been written, the system checks whether the test cookie was stored. Based on this check, a determination is made as to whether cookie writing has been disabled. There is no hint or suggestion of any technique for determining whether a client accepts visitor identifiers <u>without</u> writing a test cookie.

Furthermore, Burema fails to provide any teaching of a method wherein a redirection request is sent to the requestor, including an indicator that the step of sending a redirection request has been performed. In fact, since Burema uses a test cookie which is either present or absent from the request, there is no need for such a redirection request or indicator in Burema. Burema does not need such a redirection request or indicator because there is no need to determine whether the request is being received for the first or second time. Therefore, Burema actually teaches away from the limitations of the claimed invention.

The Examiner cited pargraph [0031] and [0071-0078] and Figs. 3a-3b as teaching the steps of sending to the requestor a redirection request including the new visitor identifier and an indicator that step d.3) has been performed. However, the cited

portions of Burema do not teach the claim limitations. Burema's mention of "redirection" merely refers to a referral from an affiliate site to a merchant site, and is completely unrelated to the notion of sending a redirection request to cause a requestor to resubmit its resource request, as recited herein. For example, paragraph [0072] states, "If the transaction file does not include tracking system information, then transaction information is matched to information recorded during the redirection to the merchant's web site." The specific description as to what is meant by the term "redirection" is found at paragraph [0011]: "The method redirects a client to a merchant site based on a selection made at an affiliate site by the client, stores information about the redirection in a database, captures, using a script executed by the client browser, transaction information regarding the transaction, receives the transaction information indicating that the client completed a transaction at the merchant site and compares the information stored in the browser of the client with the transaction information to determine whether the affiliate referred the client to the merchant site." It is apparent from Burema's use of the term that there is no hint or suggestion of any technique for sending a redirection request to a requestor that causes a request to be retransmitted with a new visitor identifier and with an indicator that the redirection step has been performed, as claimed herein.

Claim 11 recites a data collection server and includes limitations similar to those discussed in connection with claim 3. Claim 14 recites a client-based method

including limitations similar to those discussed in connection with claim 1. Claim 16 recites a client-based method including limitations similar to those discussed in connection with claim 3. Claim 18 recites a computer program product including limitations similar to those discussed in connection with claim 1. Claim 19 recites a computer program product including limitations similar to those discussed in connection with claim 3. Claims 2, 4-10, 12, 15, 17, 20-23, 25-27, 29, and 30 variously depend from claims 1, 3, 11, 14, 16, and 19 and incorporate the limitations discussed above. Accordingly, claims 1-12, 14-23, 25-27, 29, and 30 are hereby submitted to be patentable over Burema.

Claims 13, 24, and 28 have been cancelled.

Support for the claim amendments can be found in the originally filed specification at, for example, paragraphs [0042] to [0046] and Fig. 2. No new matter has been added.

On the basis of the above amendments, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
Brett Error, et al.

Dated: September 11, 2008   By: / Amir H. Raubvogel/

Amir H. Raubvogel
Reg. No. 37,070
Raubvogel Law Office
820 Lakeview Way
Redwood City, CA 94062
Phone: (650) 209-4884
Fax: (650) 362-1800